

SENATE, No. 3179

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED NOVEMBER 26, 2018

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

Senator Cruz-Perez

SYNOPSIS

Appropriates \$8,896,229 to State Agriculture Development Committee for farmland preservation purposes.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT appropriating \$8,896,229 from various farmland
2 preservation funds to the State Agriculture Development
3 Committee for farmland preservation purposes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. There is appropriated to the State Agriculture
9 Development Committee the sum of \$4,957,399 in the following
10 subtotal amounts, listed in paragraphs (1) through (6) of this
11 subsection, to pay the cost of acquisition by the committee of
12 development easements on, or fee simple titles to, farmland, to
13 provide grants to counties and municipalities for up to 80 percent of
14 the cost of acquisition of fee simple titles to farmland, to provide
15 grants to qualifying tax-exempt non-profit organizations for up to
16 50 percent of the cost of acquisition of fee simple titles to farmland,
17 for farmland preservation purposes for projects approved as eligible
18 for such funding pursuant to the “Agricultural Retention and
19 Development Act,” P.L.1983, c.32 (C.4:1C-11 et seq.), the “Green
20 Acres, Farmland and Historic Preservation, and Blue Acres Bond
21 Act of 1995,” P.L.1995, c.204, the “Garden State Preservation Trust
22 Act,” P.L.1999, c.152 (C.13:8C-1 et seq.), the “Green Acres,
23 Farmland, Blue Acres, and Historic Preservation Bond Act of
24 2007,” P.L.2007, c.119, the “Green Acres, Water Supply and
25 Floodplain Protection, and Farmland and Historic Preservation
26 Bond Act of 2009,” P.L.2009, c.117, and the “Preserve New Jersey
27 Act,” P.L.2016, c.12 (C.13:8C-43 et seq.):

28 (1) \$3,131,170 from dedicated corporation business tax
29 revenues pursuant to Article VIII, Section II, paragraph 6 of the
30 State Constitution in the “Preserve New Jersey Farmland
31 Preservation Fund,” established pursuant to section 8 of the
32 “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50);

33 (2) \$480,150 of unappropriated balances from the “2009
34 Farmland Preservation Fund,” established pursuant to section 18 of
35 the “Green Acres, Water Supply and Floodplain Protection, and
36 Farmland and Historic Preservation Bond Act of 2009,” P.L.2009,
37 c.117;

38 (3) \$600,000 from the “2009 Farmland Preservation Fund”
39 made available due to cancelled obligations and the reallocation of
40 previously appropriated funds;

41 (4) \$330,305 of unappropriated balances from the “2007
42 Farmland Preservation Fund,” established pursuant to section 18 of
43 the “Green Acres, Farmland, Blue Acres, and Historic Preservation
44 Bond Act of 2007,” P.L.2007, c.119;

45 (5) \$401,256 of unappropriated balances from the “Garden State
46 Farmland Preservation Fund,” established pursuant to section 20 of
47 P.L.1999, c.152 (C.13:8C-20); and

1 (6) \$14,518 from the “1995 Farmland Preservation Fund,”
2 established pursuant to section 25 of the “Green Acres, Farmland
3 and Historic Preservation, and Blue Acres Bond Act of 1995,”
4 P.L.1995, c.204.

5 b. Any farmland acquired in fee simple with monies
6 appropriated pursuant to this section shall be offered for resale or
7 lease with agricultural deed restrictions approved by the committee.
8

9 2. There is appropriated from the “Preserve New Jersey
10 Farmland Preservation Fund,” established pursuant to section 8 of
11 the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50), from
12 the “2009 Farmland Preservation Fund,” established pursuant to
13 section 18 of the “Green Acres, Water Supply and Floodplain
14 Protection, and Farmland and Historic Preservation Bond Act of
15 2009,” P.L.2009, c.117, from the “2007 Farmland Preservation
16 Fund,” established pursuant to section 18 of the “Green Acres,
17 Farmland, Blue Acres, and Historic Preservation Bond Act of
18 2007,” P.L.2007, c.119, from the “Garden State Farmland
19 Preservation Trust Fund,” established pursuant to section 20 of
20 P.L.1999, c.152 (C.13:8C-20), from the “1999 Open Space Fund,”
21 established pursuant to the “Open Space – Local Match Program of
22 the Fiscal Year 1999 annual appropriations act,” P.L.1998, c.45,
23 from the “1995 Farmland Preservation Fund,” established pursuant
24 to section 25 of the “Green Acres, Farmland and Historic
25 Preservation, and Blue Acres Bond Act of 1995,” P.L.1995, c.204,
26 from the “1992 Farmland Preservation Fund,” established pursuant
27 to section 24 of the “Green Acres, Clean Water, Farmland and
28 Historic Preservation Bond Act of 1992,” P.L.1992, c.88, from the
29 “1989 Farmland Preservation Fund,” established pursuant to section
30 22 of the “Open Space Preservation Bond Act of 1989,” P.L.1989,
31 c.183, and from the “Farmland Preservation Fund,” established
32 pursuant to section 5 of the “Farmland Preservation Bond Act of
33 1981,” P.L.1981, c.276, to the State Agriculture Development
34 Committee such sums from any additional proceeds which may
35 become available by the effective date of this act due to the lease or
36 conveyance of land or development easements acquired or funded
37 by the committee, for the purpose of providing for the cost of
38 acquisition by the committee of development easements and fee
39 simple titles to farmland for farmland preservation purposes
40 pursuant to subsection a. of section 1 of this act. Any farmland
41 acquired in fee simple with monies appropriated pursuant to this
42 section shall be offered for resale or lease with agricultural deed
43 restrictions approved by the committee.
44

45 3. There is appropriated to the State Agriculture Development
46 Committee the sum of \$709,830 for the purpose of providing grants
47 for stewardship activities as defined pursuant to section 3 of

1 P.L.2016, c.12 (C.13:8C-45), including soil and water conservation
2 project activities approved pursuant to section 17 of P.L.1983, c.32
3 (C.4:1C-24) and deer-fencing activities approved pursuant to
4 section 5 of P.L.1983, c.32 (C.4:1C-5), as follows:

5 a. \$641,830 from the “Preserve New Jersey Farmland
6 Preservation Fund,” established pursuant to section 8 of the
7 “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50); and

8 b. \$68,000 from the unexpended balances in the Diesel Risk
9 Mitigation Fund - Constitutional Dedication account and the Diesel
10 Risk Mitigation Administrative Costs - Constitutional Dedication
11 account made available for this purpose pursuant to the provisions
12 of P.L.2018, c.53.

13

14 4. There is appropriated from the “Preserve New Jersey
15 Farmland Preservation Fund,” established pursuant to section 8 of
16 the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50), to the
17 State Agriculture Development Committee the sum of:

18 a. \$3,079,000 for the purpose of providing funding for
19 organizational, administrative and other work and services,
20 including salaries, equipment, materials, and services necessary to
21 administer the applicable provisions of P.L.2016, c.12 (C.13:8C-
22 43 et seq.); and

23 b. \$150,000 for the purpose of providing for the review of
24 appraisals for all farmland preservation programs administered by
25 the committee pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.).

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27 5. There is appropriated from the General Fund to the
28 “Preserve New Jersey Farmland Preservation Fund,” established
29 pursuant to section 8 of the “Preserve New Jersey Act,” P.L.2016,
30 c.12 (C.13:8C-50), the sum of \$7,002,000 to implement the
31 provisions of this act.

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33 6. Of the monies appropriated pursuant to P.L.2011, c.99 from
34 the “2009 Farmland Preservation Fund,” established pursuant to
35 section 18 of P.L.2009, c.117, the sum of \$600,000 is made
36 available for the purposes of section 1 of this act due to the
37 reallocation of previously appropriated funds.

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39 7. The expenditure of the sums approved by this act is subject
40 to the provisions and conditions of P.L.2016, c.12 (C.13:8C-43 et
41 seq.), P.L.2009, c.117, P.L.2007, c.119, P.L.1999, c.152 (C.13:8C-1
42 et seq.), P.L.1998, c.45, P.L.1995, c.204, P.L.1992, c.88, P.L.1989,
43 c.183, P.L.1983, c.32 (C.4:1C-11 et seq.), and P.L.1981, c.276, as
44 appropriate.

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46 8. This act shall take effect immediately.

STATEMENT

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This bill appropriates \$8,896,229 to the State Agriculture Development Committee (SADC) for certain farmland preservation purposes.

Specifically, this bill appropriates \$4,957,399 to the SADC to pay the cost of acquisition by the SADC of development easements on, or fee simple titles to, farmland, to provide grants to counties and municipalities for up to 80 percent of the cost of acquisition of fee simple titles to farmland, and to provide grants to qualifying tax exempt nonprofit organizations for up to 50 percent of the cost of acquisition of fee simple titles to farmland, for farmland preservation purposes for projects approved as eligible for such funding pursuant to: the “Agricultural Retention and Development Act”; the “Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995”; the “Garden State Preservation Trust Act”; the “Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007”; the “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009”; and the “Preserve New Jersey Act.”

Of the \$4,957,399 provided in section 1 of the bill for the acquisition of fee simple titles and development easements to farmland: \$3,131,170 is from constitutionally dedicated corporation business tax (CBT) revenues in the “Preserve New Jersey Farmland Preservation Fund” established pursuant to the “Preserve New Jersey Act”; \$1,080,150 is from the “2009 Farmland Preservation Fund” established pursuant to the “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009”; \$330,305 is from the “2007 Farmland Preservation Fund” established pursuant to the “Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007”; \$401,256 is from the “Garden State Farmland Preservation Fund” established pursuant to the “Garden State Preservation Trust Act”; and \$14,518 is from the “1995 Farmland Preservation Fund” established pursuant to the “Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995.”

The “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-43 et seq.), implements for State fiscal years 2017 through 2019, the constitutional dedication of CBT revenues for open space, farmland, and historic preservation. The “Preserve New Jersey Farmland Preservation Fund” was established pursuant to section 8 of the “Preserve New Jersey Act.”

The bill also appropriates to the SADC such sums from any additional proceeds which may become available by the effective date of the bill due to the lease or conveyance of farmland previously acquired in fee simple by the SADC, for the purpose of

1 providing for the cost of acquisition by the SADC of development
2 easements and fee simple titles to farmland for farmland
3 preservation purposes.

4 In addition, this bill appropriates \$709,830 to the SADC for the
5 purpose of providing stewardship grants for activities, beyond
6 routine operation and maintenance, undertaken by landowners, or
7 farm operators as agents for landowners, to repair, restore, or
8 improve lands preserved for farmland preservation purposes,
9 including soil and water conservation project activities and deer-
10 fencing activities. Of this funding: \$641,830 is from the “Preserve
11 New Jersey Farmland Preservation Fund”; and \$68,000 is from
12 unexpended balances in certain Diesel Risk Mitigation Fund
13 accounts made available for this purpose pursuant to P.L.2018, c.53
14 (i.e., the FY2019 annual appropriations act).

15 The appropriations in this bill for the acquisition of fee simple
16 titles and development easements to farmland and for stewardship
17 grants have been approved by the SADC and the Garden State
18 Preservation Trust.

19 Lastly, this bill appropriates to the SADC from the “Preserve
20 New Jersey Farmland Preservation Fund”: \$3,079,000 for
21 organizational, administrative and other work and services,
22 including salaries, equipment, materials, and services necessary to
23 administer the applicable provisions of the “Preserve New Jersey
24 Act”; and \$150,000 for the review of appraisals for all farmland
25 preservation programs administered by the SADC pursuant to the
26 “Preserve New Jersey Act.”